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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,	) Case No.
et al,	) 2:22-cv-01815-IM
	) (Lead Case)
Plaintiffs,	) Case No.
	) 3:22-cv-01859-IM
vs.	) (Trailing Case)
	) Case No.
TINA KOTEK, et al,	) 3:22-cv-01862-IM
	) (Trailing Case)
Defendants.	) Case No.
	) 3:22-cv-01869-IM
MARK FITZ, et al,	) (Trailing Case)
)
Plaintiffs,)
)
vs.)
)
ELLEN F. ROSENBLUM, et al,)
	) VIDEOCONFERENCE
Defendants.	) DEPOSITION OF
	) MICHAEL SIEGEL, M.D.
KATERINA B. EYRE, et al,)
	) Taken in behalf
Plaintiffs,	) of the Plaintiffs
)
vs.	) March 17, 2023
)
ELLEN F. ROSENBLUM, et al,)
)
Defendants.)
	) (All participants
DANIEL AZZOPARDI, et al,	) appeared via
	) videoconference.)
Plaintiffs,)
)
vs.)
) REPORTED BY:
ELLEN F. ROSENBLUM, et al,) Ashley L. Aronson
) Court Reporter
Defendants.)
)

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Also Present: (None)

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1 we used for classifying states as having a state-level
2 permit requirement is simply that the state requires a
3 permit, a state permit for the purchase and possession
4 of firearms.

5 Q. In your review of those -- of the literature
6 and your research, did you consider any of the
7 differences between those state permitting schemes and
8 how that would affect your opinion?

9 A. No, I'm not aware of any studies that have
10 looked at details about how the permitting scheme is
11 specifically done to try to differentiate, you know,
12 whether there are certain features of the permit
13 requirement that have differential effects.

14 Q. So do you have an opinion as to whether
15 particular details of a state permitting scheme are
16 more or less important, essential to your conclusion
17 about reduction of homicides and mass shootings?

18 A. I don't believe that they are that important
19 because the evidence is quite robust from multiple
20 studies that have looked at multiple states, and we're
21 not seeing discrepancies in the research so we're not
22 seeing, you know, in one state there was an effect and
23 another state there wasn't an effect.

24 Pretty much in every state that's been looked
25 at there has been an effect, so my opinion would be

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1 that there is no reason to believe that details about
2 the permitting system are going to change my opinion
3 about its effectiveness.

4 Q. So, for example, if different state law
5 permitting schemes have different periods of time
6 between how long it takes to apply for and obtain a
7 permit, that in your opinion wouldn't change your
8 conclusion in this case --

9 A. No.

10 Q. -- is that right?

11 A. It wouldn't because, again, the evidence is
12 so robust. The effect sizes are huge and the number
13 of studies that were done in very different states
14 that had very different details, none of that seems to
15 make a difference. These studies are finding a large
16 effect pretty much across the board.

17 Q. In your view in reviewing the permitting
18 schemes for the purchase and possession of firearms,
19 are there any elements of those schemes, and we can
20 get into it more specifically, that are more or less
21 important to you in your conclusion that they reduce
22 homicides and mass shootings?

23 In other words, these schemes have a lot of
24 different pieces to them. Is there any core
25 components that to you make up the effective part of

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1 scheme that in your view are more important than
2 others as far as having the reduction in homicides and
3 mass shootings, in your opinion?

4 A. No, that's the only element that I'm aware of
5 where there's research to show that it makes a
6 difference.

7 Q. And you're aware that state laws that require
8 state permits for the purchase and possession of
9 firearms include a certain recordkeeping component to
10 them?

11 A. Yes, typically they do.

12 Q. Okay. And in your opinion, do those
13 components of those state laws have the effect of
14 reducing homicides or mass shootings?

15 A. Well, we can't tell exactly -- you know, what
16 I can opine is that based on the research, having a
17 requirement for a state permit decreases the amount of
18 firearm violence, but there's not research that allows
19 me to, you know, take apart the law into its
20 components and say which component of this is
21 responsible, you know, or is it, you know, all the
22 components working together. There's just not
23 research to make a determination as to what component
24 is really essential or it may be that the whole system
25 is what is making the difference.

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1 that component of the scheme would not be responsible
2 for reduction in gun violence?

3 A. Yes, based on the other research that I've
4 seen and conducted, I would not expect that the
5 registration aspect is what is really responsible for
6 reducing the gun violence.

7 Q. So, in your report, at least in this part of
8 your opinion, we're looking at page 24 of Exhibit 6
9 starting with heading Roman number II, I didn't see a
10 specific reference to Oregon Measure 114. Did you
11 consider specific provisions of Oregon Measure 114 or
12 is your opinion more generally about
13 permit-to-purchase programs?

14 A. Well, the -- well, first of all, I did
15 consider and, you know, look at Oregon's law, but I
16 believe that the best way to estimate what the likely
17 effect of Oregon's law would be is to look at the
18 experience of other jurisdiction that have a
19 permitting scheme, and based on that, you know, I
20 listed all the studies in table B and we can look at
21 the range of estimates, but I would expect that that
22 would be the experience that Oregon would have.
23 There's no reason for me to believe that somehow
24 Oregon would experience something different from other
25 states that have permitting schemes.

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1 Q. Can you identify what parts of Measure 114's
2 permit-to-purchase program would reduce the number of
3 deaths from homicides and mass shootings or are you
4 considering it sort of as a whole?

5 A. I'm considering it as a whole.

6 Q. So that means you can't tell me which parts
7 of it would specifically reduce the number of deaths
8 from homicides or mass shootings?

9 A. I can -- I can look at the different
10 provisions and I could offer an opinion as to what
11 parts of it are likely to be the parts that are going
12 to most likely be reducing firearm violence based on
13 the research that we've done, but my -- that wasn't
14 really a part of my opinions. I wasn't really asked
15 to say, Okay, which part of this is going to have the
16 effect, and my testimony clearly is based on the
17 overall -- having this overall permitting scheme.

18 Q. Let me ask you about Measure 114 then. I'm
19 going to mark it as Exhibit 7.

20 (Deposition Exhibit No. 7 was marked for
21 identification.)

22 MR. NICHOLS: And, Counsel, I sent this to
23 you this morning. I just pulled this off of the
24 Oregon Secretary of State web page. That's where I
25 got it from.

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1 Q. (By Mr. Nichols) So, Dr. Siegel, I'll
2 represent to you that this is a copy of Measure 114 as
3 it's found on the Oregon Secretary of State's web
4 page, and have you read this document before?

5 A. Yes.

6 Q. I'm going to ask you then about a couple
7 parts of the permit-to-purchase process. Can you see
8 my screen okay?

9 A. Yes.

10 Q. We're looking at section 4, page 2 of
11 Exhibit 7, and to focus in on section 4(1)(b), A
12 person is qualified to be issued a permit to purchase
13 under this section if the person, and then it lists
14 five different components. Do you see that?

15 A. Yes.

16 Q. Okay. So the first one, so this section
17 4(1)(b)(a) states that, A person is qualified to be
18 issued a permit to purchase under this section if a
19 person is not prohibited from purchasing or acquiring
20 a firearm under state or federal law including, but
21 not limited to, successfully completing a criminal
22 background check as described in paragraph E.

23 And we can look at paragraph E if we need to,
24 but in your opinion, does this section -- would this
25 section of the law have an effect at reducing gun

1 violence?

2 A. Yes, I think this would contribute to the
3 effect.

4 Q. Okay. And why is that?

5 A. Because the -- essentially it's going to
6 screen out anyone who is prohibited under federal law
7 or under state law, and so that means that all the
8 prohibitions that are in federal law and in state law
9 are kind of automatically being incorporated here, and
10 so that would include, you know, people with felony
11 convictions, people with domestic violence
12 convictions, people who are under restraining order for
13 domestic violence, and those are all very high-risk
14 situations for violent crime.

15 Q. All right. We're looking at Exhibit 7,
16 section 4(1)(b)(b), and this refers to, Is not the
17 subject of an order described in ORS 166.525 to
18 166.543. Do you know what that refers to?

19 A. As I recall, I believe those are the domestic
20 violence restrictions.

21 Q. Is this similar to the red flag laws that you
22 were discussing earlier?

23 A. No, no, this is the -- I believe sections
24 166.525 to 543 are actual protection order -- well,
25 yes, they're similar in that these are protection

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1 was -- I misspoke and I certainly would correct myself
2 at this point having seen it. Clearly this is the red
3 flag law, and so it is referring to people who are
4 under a red flag law -- or an extreme risk protection
5 order.

6 Q. So let me switch back and go over to
7 Measure 114. So, with your memory refreshed about
8 what ORS 166.525 to 543 refers to, we're looking at
9 Exhibit 7, which is Measure 114, section 4(1)(b)(b).
10 This component in your opinion, would this have the
11 effect of reducing the number of deaths from gun
12 violence?

13 A. Yes, I believe it would contribute to that.

14 Q. And why do you say that?

15 A. Because the -- I mean, basically the reason
16 why I believe that permit requirements for the
17 purchase of a gun are effective in reducing firearm
18 violence is because they identify people who are high
19 risk of committing violence and keep guns out of their
20 hands, and to the extent that these requirements here
21 in A, B and C are identifying people who are at high
22 risk for violence, this law will be effective in
23 helping keep guns out of their hands, and I would
24 expect that that would reduce firearm violence.

25 Q. Right, and I'm asking right now about B,

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1 which would you agree with me that's a red flag law as
2 you previously described them?

3 A. Yes.

4 Q. So, in your opinion, that section would have
5 the effect of reducing firearm violence. Correct?

6 A. Yes.

7 Q. I want to move to subsection C. So we're
8 looking at Exhibit 7, which is Measure 114, section
9 4(1)(b)(c), and this one says that, A person is
10 qualified to be issued a permit to purchase under this
11 section if the purchase -- if the person, excuse me,
12 does not present reasonable grounds for a permit agent
13 to conclude that the applicant has been or is
14 reasonably likely to be a danger to self or others or
15 to the community at large as a result of the
16 applicant's mental or psychological state or as
17 demonstrated by the applicant's past pattern of
18 behavior involving unlawful violence or threats of
19 unlawful violence. Do you see that?

20 A. Yes.

21 Q. Okay. In your opinion -- well, before I get
22 to your opinion, I want to break this down a little
23 bit. That standard, Do not present reasonable grounds
24 for a permit agent, do you know who the permit agent
25 would be in this case?

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C E R T I F I C A T E

STATE OF OREGON)
)
 COUNTY OF MULTNOMAH)

I, Ashley L. Aronson, a Notary Public in and
 for the State of Oregon, certify that the
 videoconference deposition of MICHAEL SIEGEL, MD,
 occurred at the time and place set forth in the
 caption hereof; that at said time and place I reported
 in Stenotype all the testimony adduced and other oral
 proceedings had in the foregoing matter; that
 thereafter my notes were reduced to typewriting under
 my direction and the foregoing transcript, pages 1
 through 98, both inclusive, contains a full, true and
 correct record of all such testimony adduced and oral
 proceedings had and of the whole thereof. Reading and
 signing was not requested pursuant to FRCP Rule 30(e).

Witness my hand and Notarial seal at
 Portland, Oregon, this 24th day of March, 2023.

ASHLEY L. ARONSON
 Notary Public for the State of
 Oregon, residing at Portland
 Commission No. 1028978
 My Commission Expires: 9/28/2026